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OCT 31 1996

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Implementation of the Local ) CC Docket No. 96-98  
Competition Provisions in the )  
Telecommunications Act of 1996 )  
 )  
Interconnection between Local ) CC Docket No. 95-185  
Exchange Carriers and )  
Commercial Mobile Radio )  
Service Providers )

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Comments of General Communication, Inc.

General Communication, Inc. (GCI) hereby submits comments in response to Petitions for Reconsideration filed by various parties of the Commission's Interconnection Order.<sup>1</sup>

**I. Introduction**

Congress passed the Telecommunications Act of 1996 mandating a competitive structure and outlining the criteria under which competition is to be expanded to all areas of the country. The intent of Congress is outlined in the conference report

to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapid deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to

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<sup>1</sup>Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket 96-98, First Report and Order, FCC 96-325, released August 8, 1996.

competition<sup>2</sup>

Competition is the hallmark of the Act.

The Commission must clarify its rules to promote and encourage competition in all areas of the country. These rules must apply to all Incumbent Local Exchange Carriers (ILECs). If implemented properly, competition will come to all areas of the country, particularly rural areas such as Alaska, where GCI is ready to fulfill the goals of Congress. Competition is particularly important in rural areas. Consumers in these areas should not be denied the benefits of competition including consumer choice, lower prices and advanced technology.

**II. The Commission Should Clarify its Rules on Collocation**

GCI supports the positions outlined by AT&T and MFS in their petitions for reconsideration or clarification addressing collocation. The First Report and Order<sup>3</sup> states that the Commission will not adopt a general requirement that ILECs permit collocation of switching equipment. However, the Commission goes on to state that "modern technology has tended to blur the line between switching equipment and multiplexing equipment, which we permit to be

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<sup>2</sup>Telecommunications Act of 1996, Report 104-458, pp. 1.

<sup>3</sup>Paragraph 581.

collocated."<sup>4</sup> The Commission must clarify that collocation of remote switching modules, as described by AT&T, MFS and herein, must be provided upon request by ILECs on their premises.<sup>5</sup>

Anchorage Telephone Utility (ATU), an ILEC, has indicated to GCI that space limitations will absolutely preclude the location of GCI facilities within all but two of its thirteen wire center facilities. It severely qualifies its ability to provide space (based on use of equipment space for offices) at the remaining two wire centers. Therefore, GCI developed an alternative collocation plan involving the placement of a GCI equipment shelter adjacent to the ATU central offices at issue. ATU has refused this form of interconnection on the grounds that it does not fall within the requirements of the Act.

Pursuant to section 251(c)(6), ILECs are obligated to provide

physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local

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<sup>4</sup>Id.

<sup>5</sup>Premises should include any place owned or leased by the ILEC, including unused space, immediately adjacent to actual structures, i.e., parking lots.

exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.<sup>6</sup>

On March 15, 1996, GCI served upon ATU a request for negotiations pursuant to Section 251 and 252 of the Act. GCI requested to negotiate the issue of price, terms and conditions for all obligations under 251(b) and (c), including collocation. During the negotiation process, ATU furnished to GCI information relating to the physical interconnection of the networks at ATU's wire centers, including an inventory of the availability of interior space, entrance facilities and power at the thirteen wire centers. ATU has taken the position that there are interior space limitations or code compliance problems that preclude the collocation of GCI switching equipment within all ATU wire centers, that there possibly are space limitations that preclude the installation of adequate main distribution frame facilities in two wire centers and that there are space limitations that preclude the availability of adequate entrance facilities into four wire centers.

In order to resolve the interior space and entrance facility problems, GCI proposed collocation through the use

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<sup>6</sup>Section 251(c)(6).

of GCI modularized remote switching centers, placed immediately adjacent to the ATU central offices on ATU property, with access through the structure to the Main Distribution Frame (MDF).<sup>7</sup> This arrangement would constitute collocation at the premises of ATU under Section 251(c)(6).<sup>8</sup> This arrangement is necessary because properly zoned property which is also accessible to ATU entrance facilities is not in many cases available adjacent to ATU wire centers.

If GCI is required to remove its facilities a substantial distance from ATU's wire centers to an appropriate piece of property, loop lengths become a problem. ATU's loops are longer on average than those generally available from Bell Operating Companies. Some services, such as switched 56 kbps, Centrex and ISDN, are already marginal or unavailable due to excessive loop lengths. Provisioning lengthy cable to interconnect from

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<sup>7</sup>The Commission has determined that premises of the LEC should include central offices, serving wire centers, tandem offices, buildings or similar structures owned or leased by the incumbent LEC that house network facilities, vaults containing loop concentrators or similar structures. First Report and Order, paragraph 573. ATU is placing identical structures in parking lots in Anchorage.

<sup>8</sup>There is plenty of space available in these parking lots.

ATU's wire center to GCI's would exacerbate this problem and would put GCI at a competitive disadvantage. By allowing this type of collocation, the percentage of inaccessible loops drops dramatically. As noted, ATU has stated that such an arrangement is not required by the Act.

In the First Report and Order, the Commission adopted standards for the provisioning of collocation by ILECs to requesting telecommunications carriers. Pursuant to 51.323(d), an ILEC must provide an interconnection point "as close as reasonably possible to its premises."<sup>9</sup> An ILEC must make space available "within or on its premises to requesting telecommunications carriers . . . provided, however, that the incumbent LEC shall not be required to lease or construct additional space to provide for physical collocation when existing space has been exhausted."<sup>10</sup> GCI has proposed placement of their modularized remote switches in the parking lot of ATU. The proposal obviously is "on the premises" of ATU and does not require ATU to lease or construct additional space. In the First Report and Order, the Commission stated that the word premises should be

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<sup>9</sup>51.323(d)(1).

<sup>10</sup>51.323(f)(1). Emphasis added. "Or on" in the regulation would have no meaning if ATU's position that the obligation applies only to interior equipment spaces.

interpreted broadly.<sup>11</sup>

The Commission must clarify that collocation of remote switching modules, as described by AT&T, MFS and herein, must be provided upon request by ILECs on their premises.

The Local Exchange Carrier Association states that the collocation requirements should be changed because requiring vaults, huts and other small field structures would impose heavy burdens on ILECs. They state that security measures could not be properly implemented. This request is made solely to impede competition. Security measures for modules placed on the property of the ILEC are not a problem.

The Local Exchange Carrier Association also requests that the Commission eliminate the requirement that allows telecommunications carriers to connect their collocated equipment with that of other collocating carriers within the ILECs premises with the ILEC providing the connections between such equipment, unless the ILEC permits the collocating parties to so provide. The Association states that the requirement is not competitively neutral because interconnection between collocating carriers may be accomplished less expensively than interconnection between a collocating carrier and an ILEC. This statement should be

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<sup>11</sup>First Report and Order, paragraph 573.

seen for what it is. The Association members are trying to impede competition in every form. They obviously are trying to keep the costs of the competitor as high as possible.

**III. ILECs Must Provide All Telecommunications Services for Resale at Wholesale Rates**

The Local Exchange Carrier Association seeks reconsideration of the requirement to offer customer specific contracts at wholesale rates to resellers. They state that contracts are negotiated on an individualized case basis and that no purpose is served by requiring an ILEC to make its contracted services available to competitors subject to a wholesale discount. The Commission must not adopt this proposal. In fact the Commission should expand the resale requirement and mandate that all services, including those offered for under 90 days must be available under 251(c)(4). The statute does not contain any exceptions to this requirement. ILECs must "offer for resale at wholesale rate any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers."<sup>12</sup> Contracts are services offered to subscribers at a retail rate. To exempt such contract offerings would allow ILECs to evade the intent of

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<sup>12</sup>First Report and Order, paragraph 948.



Congress.

#### **IV. Miscellaneous Issues**

Several parties suggest that the deadline for operational support systems should be delayed for at least one year to January 1, 1998. The Commission should not adopt this proposal. Alternatively, the Commission should establish a deadline for standards and keep the January 1, 1997 deadline.

The Commission should not extend the transition plan beyond June, 1997 as requested by the Local Exchange Carrier Association. Non-BOC LECs can enter the long distance market at any time. They do not have to comply with the competitive checklist prior to entering the long distance market. To extend the transitional CCLC and RIC payments past June 1997 would obligate requesting carriers to subsidize the long distance operations of the ILEC.

The Local Exchange Carrier Association states that ILECs must have assurances that their costs will be recovered in providing interconnection and ask the Commission to make interconnector agree to a minimum term period to recover costs with termination liabilities to protect the ILEC. This requirement goes beyond the Act. Competitive carriers should not be required to stay with the

General Communication, Inc.  
CC Docket 96-98  
Comments  
October 31, 1996

ILEC for services for any period of time.


Lastly, as suggested by MCI and ALTS, the Commission should clarify 47 CFR 51.301(c)(8)(ii). The rule states that a requesting carrier must supply cost data. As suggested by several parties, the Commission must clarify that the ILEC must provide the cost data.

**V. Conclusion**

The Commission must clarify its rules as addressed in the herein.

Respectfully submitted,

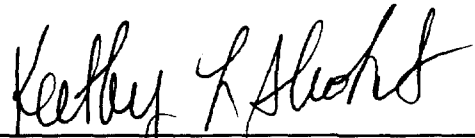
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October 31, 1996

**STATEMENT OF VERIFICATION**

I have read the foregoing, and to the best of my knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed this 31st day of October, 1996.

A handwritten signature in cursive script, reading "Kathy L. Shobert", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

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